

ESTTA Tracking number: **ESTTA556634**

Filing date: **08/28/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Diesel S.p.A.
Granted to Date of previous extension	08/28/2013
Address	7 via dell' Industria Molvena, VI 36060 ITALY

Attorney information	Holiday W. Banta Ice Miller LLP One American Square, Suite 2900 Indianapolis, IN 46282-0200 UNITED STATES ipdocket@icemiller.com
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Applicant Information

Application No	85778731	Publication date	04/30/2013
Opposition Filing Date	08/28/2013	Opposition Period Ends	08/28/2013
Applicant	Ivan Vargas 9560 Queens Blvd. #105 Rego Park, NY 11374 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Belts; Bikinis; Blazers; Bomber jackets; Boots; Boxer shorts; Hats; Headbands; Hooded sweatshirts; Jackets; Jackets and socks; Jeans; Jerseys; Men's and women's jackets, coats, trousers, vests; Polo shirts; Shirts; Shirts for infants, babies, toddlers and children; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Skirts and dresses; Skull caps; Skullies; Slacks; Sleeved or sleeveless jackets; Sleeveless jerseys; Smoking jackets; Sneakers; Sweat pants; Sweat shirts; Sweat suits; Sweaters; T-shirts; Tank tops; Thermal underwear

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Tarnishment

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1498698	Application Date	03/02/1984
Registration Date	08/02/1988	Foreign Priority Date	NONE
Word Mark	DIESEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1984/02/29 First Use In Commerce: 1984/02/29 MEN'S, & WOMEN'S APPAREL NAMELY JEANS, SHIRTS, JACKETS AND SWEATSHIRTS		

U.S. Registration No.	1989390	Application Date	09/07/1993
Registration Date	07/30/1996	Foreign Priority Date	06/11/1993
Word Mark	DIESEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: perfumes, toilet soaps; cosmetics, namely, deodorants for personal use; creams, lotions and oils for the face and the body; cleansing milks, creams and oils; make-up creams; beauty masks; make-up removers; eye shadows; lipsticks; mascara; rouge; crayons for the eyes and the lips; powders, creams, oils and lotions for suntanning and after sun exposure; pre- and after shave creams and lotions; talcum powders, salts, foam and oil bath; creams and lotions after-bath; shampoos; depilatory preparations; nail polishes; hair lotions, and dentifrices</p> <p>Class 009. First use: spectacles, spectacle frames, spectacle cases, lenses</p> <p>Class 014. First use: clocks and parts therefor, clocks incorporating radio, watches and parts therefor, watch chains, watches containing a gaming function, chronographs, chronometers; rings, bracelets, necklaces, hair-clips of precious metal, tie-clips, scarf rings of precious metal, pendants, ear clips, precious metal money clips, cufflinks, earrings, key-holders of precious metal, brooches, ornamental jewelry pins; all in metal precious or not</p> <p>Class 016. First use: stationery items, namely calendars and almanacs, diaries, address books, personal organizers, note pad holders, paper holders, paper weights, paper stands, pencil holders, pencil stands, pencil cases, paper clip boxes, and adhesive tape dispensers; paper patterns for fabrics; newspapers, magazines, books and catalogues for fashion, furnishing and arts; photographs, pens, pencils</p> <p>Class 018. First use: handbags, suitcases, trunks for travel, knapsacks, travelling bags, vanity cases sold empty; purses, billfolds, attache cases, wallets, briefcases, key-cases, passport cases, business and credit card cases; umbrellas</p> <p>Class 024. First use: textile fabrics for use in the manufacture of clothing and furnishings; curtains, pillow cases, bedsheets, bedspreads, blankets, comforters for beds, table clothes, textile napkins, towels, placemats of fabric, oven gloves</p>		

	Class 025. First use: footwear, namely, shoes, boots, slippers and belts
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U.S. Registration No.	1939141	Application Date	09/07/1993
Registration Date	12/05/1995	Foreign Priority Date	06/11/1993
Word Mark	DIESEL-ONLY-THE-BRAVE-DIESEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: perfumes, toilet soaps; cosmetics; namely, deodorants for personal use; creams, lotions and oils for the face and the body; cleansing milks, creams and oils; make-up creams; beauty masks; make-up removers; eye shadows; lipsticks; mascara; rouge; crayons for the eyes and the lips; powders, creams, oils and lotions for suntanning and after sun exposure; pre- and after shave creams and lotions; talcum powders, salts, foam and oil bath; creams and lotions after-bath; shampoos; depilatory preparations; nail polishes; hair lotions, and dentifrices</p> <p>Class 009. First use: spectacles, spectacle frames, spectacle cases, lenses</p> <p>Class 014. First use: clocks and parts therefor, clocks incorporating radio, watches and parts therefor, watch chains, watches containing a gaming function, chronographs, chronometers; rings, bracelets, necklaces, hair-clips of precious metal, tie-clips, scarf rings of precious metal, pendants, ear clips, precious metal money clips, cufflinks, earrings, key-holders of precious metal, brooches, ornamental jewelry pins; all in metal precious or not ornamental jewelry pins</p> <p>Class 016. First use: stationery items; namely, calendars and almanacs, diaries, address books, personal organizers, note pad holders, paper holders, paper weights, paper stands, pencil holders, pencil stands, pencil cases, paper clip boxes, and adhesive tape dispensers; paper patterns for fabrics; newspapers, magazines, books and catalogues for fashion, furnishing and arts; photographs, pens, pencils</p> <p>Class 018. First use: handbags, suitcases, trunks for travel, knapsacks, travelling bags, vanity cases sold empty; purses, billfolds, attache cases, wallets, briefcases, key-cases, passport cases, business and credit card cases; umbrellas</p> <p>Class 024. First use: textile fabrics for use in the manufacture of clothing and furnishings; curtains, pillow cases, bedsheets, bedspreads, blankets, comforters for beds, table clothes, textile napkins, towels, placemats of fabric, oven gloves</p> <p>Class 025. First use: footwear; namely, shoes, boots and slippers, belts</p>		

U.S. Registration No.	1605656	Application Date	03/23/1989
Registration Date	07/10/1990	Foreign Priority Date	NONE
Word Mark	DIESEL-ONLY-THE-BRAVE-DIESEL		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1982/02/27 First Use In Commerce: 1982/07/31 TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WINDRESISTANT JACKETS, CABANS, BLAZERS, SWEATERS, JERSEYS, VESTS, CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULLOVERS, OVERALLS

U.S. Registration No.	1564710	Application Date	03/23/1989
Registration Date	11/07/1989	Foreign Priority Date	NONE
Word Mark	DIESEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/10/24 First Use In Commerce: 1979/04/05 TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WINDRESISTANT JACKETS, CABANS, BLAZERS, SWEATERS, JERSEYS, VESTS, CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULLOVER, OVERALLS		

Attachments	Notie of Opposition.pdf(297753 bytes) INDY-#3348712-v1-Exhibits_for_Notice_of_Opposition.PDF(757202 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Holiday W Banta/
Name	Holiday W. Banta
Date	08/28/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark App. Ser. No. 85/778,731

Filed on August 28, 2013

For the Mark "Sour Diesel"

Published in the *Official Gazette* on April 30, 2013

Diesel S.p.A.,

Opposer,

v.

Ivan Vargas,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Diesel S.p.A. (“Diesel” and “Opposer”) believes that it will be damaged by the registration of Application Serial No. 85/778,731 for the "Sour Diesel" name, and, pursuant to 37 CFR § 2.104(b), hereby opposes the above-referenced application to register the "Sour Diesel" name filed by Mr. Ivan Vargas (“Applicant”). Allegations with respect to Diesel are based on actual knowledge. All other allegations are based on information and belief of Diesel. The grounds for opposition are as follows:

THE PARTIES

1. Diesel is an Italian corporation having a place of business at 7 Via Dell' Industria, Molvena, Province of Vicenza, Italy 36060.
2. Diesel sells trousers, pants, jeans, shorts, skirts, overcoats, raincoats, jackets, wind resistant jackets, cabans, blazers, sweaters, jerseys, vests, cardigans, shirts, T-shirts, blouses, dresses, suits, tracksuits, sweatshirts, pullovers, and overalls throughout the United States and worldwide.

3. Applicant is an individual with a mailing address of 9560 Queens Blvd. #105, Rego Park, New York 11374.

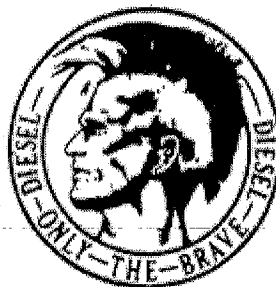
OPPOSER'S DIESEL® Marks

4. Diesel is the owner of U.S. Trademark Registration No. 1,498,698, U.S. Trademark Registration No. 1,989,390, U.S. Trademark Registration No. 1,939,141, U.S. Trademark Registration No. 1,605,656, and U.S. Trademark Registration No. 1,564,710, as well as common law rights in the mark "Diesel" (collectively the "DIESEL® Marks").

DIESEL

5. The DIESEL® Mark is registered as Registration No. 1,564,710 for use with "trousers, pants, jeans, shorts, skirts, overcoats, raincoats, jackets, wind resistant jackets, cabans, blazers, sweaters, jerseys, vests, cardigans, shirts, T-shirts, blouses, dresses, suits, tracksuits, sweatshirts, pullovers, overalls" in Class 25.

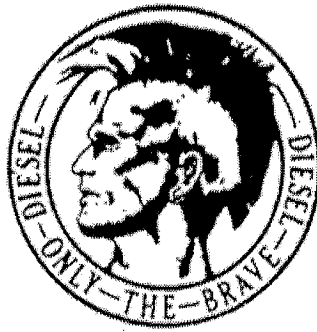
6. True and accurate copies of Diesel's registration certificate and printouts from the Trademark Status and Document Retrieval electronic database, showing Diesel as the current owner of Registration No. 1,564,710 and confirming that this is a valid and existing registration, are attached hereto as Exhibit A.



7. The DIESEL-ONLY-THE-BRAVE-DIESEL and Design® Mark is registered as Registration No. 1,605,656 for use with "trousers, pants, jeans, shorts, skirts, overcoats,

raincoats, jackets, wind resistant jackets, cabans, blazers, sweaters, jerseys, vests, cardigans, shirts, T-shirts, blouses, dresses, suits, tracksuits, sweatshirts, pullovers, overalls" in Class 25.

8. True and accurate copies of Diesel's registration certificate and printouts from the Trademark Status and Document Retrieval electronic database, showing Diesel as the current owner of Registration No. 1,605,656 and confirming that this is a valid and existing registration, are attached hereto as Exhibit B.



9. The DIESEL-ONLY-THE-BRAVE-DIESEL and Design® Mark is registered as Registration No. 1,939,141 for "footwear; namely, shoes, boots and slippers, belts" in Class 025, among other goods.

10. True and accurate copies of Diesel's registration certificate and printouts from the Trademark Status and Document Retrieval electronic database, showing Diesel as the current owner of Registration No. 1,939,141 and confirming that this is a valid and existing registration, are attached hereto as Exhibit C.

DIESEL

11. The DIESEL® Mark is registered as Registration No. 1,989,390 for use with "footwear; namely, shoes, boots and slippers, belts" in Class 025, among other goods.

12. True and accurate copies of Diesel's registration certificate and printouts from the Trademark Status and Document Retrieval electronic database, showing Diesel as the current

owner of Registration No. 1,989,390 and confirming that this is a valid and existing registration, are attached hereto as Exhibit D.

DIESEL

13. The DIESEL® Mark is registered as Registration No. 1,498,698 for use with “Men's, & Women's apparel namely jeans, shirts, jackets and sweatshirts” in Class 25.

14. True and accurate copies of Diesel’s registration certificate and printouts from the Trademark Status and Document Retrieval electronic database, showing Diesel as the current owner of Registration No. 1,498,698 and confirming that this is a valid and existing registration, are attached hereto as Exhibit E.

15. The DIESEL® Marks are in use, are valid, and are in full force and effect.

16. Diesel uses the DIESEL® Marks in the United States in connection with clothing and accessories.

17. Diesel has been using the DIESEL® Marks to identify the source of its goods in commerce since at least as early as 1979.

18. During that time, Diesel has established substantial goodwill in the DIESEL® Marks.

19. The DIESEL® Marks are strong and highly distinctive and have acquired substantial national goodwill in conjunction with the goods sold under the DIESEL® Marks.

20. Diesel has invested substantial resources to advertise and promote the DIESEL® Marks throughout the United States.

21. As a result, the DIESEL® Marks have become highly distinctive and enjoy nationwide fame and consumer recognition.

22. The DIESEL® Marks have come to indicate and stand for the high quality goods offered by Diesel.

23. As a result of Diesel's continuous use of the DIESEL® Marks, they have become, and continue to be, a valuable property right of Diesel.

"SOUR DIESEL" APPLICATION

24. Trademark App. Ser. No. 85/778,731 (the "731 Application") attempts to register the "Sour Diesel" name.

25. Applicant filed the '731 Application on November 14, 2012, and the application published for opposition on April 30, 2013.

26. Because Diesel filed a timely Request for Extension of Time to Oppose, Diesel's deadline to initiate an opposition was extended until August 28, 2013. This time has not expired.

27. The '731 Application indicates that Applicant has not begun using the "Sour Diesel" name.

28. The description of goods in the '731 Application indicates that Applicant plans to use the "Sour Diesel" name in connection with "Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Belts; Bikinis; Blazers; Bomber jackets; Boots; Boxer shorts; Hats; Headbands; Hooded sweatshirts; Jackets; Jackets and socks; Jeans; Jerseys; Men's and women's jackets, coats, trousers, vests; Polo shirts; Shirts; Shirts for infants, babies, toddlers and children; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Skirts and dresses; Skull caps; Skullies; Slacks; Sleeved or sleeveless jackets; Sleeveless jerseys; Smoking

jackets; Sneakers; Sweat pants; Sweat shirts; Sweat suits; Sweaters; T-shirts; Tank tops; Thermal underwear" in Class 25.

29. "Sour Diesel" is a slang term for a strain of cannabis. See Exhibit F, description of "Sour Diesel" on Wikipedia.

APPLICANT'S TRADEMARK APPLICATION SHOULD BE REFUSED

30. There is no issue as to priority between the DIESEL® Marks and the '731 Application.

31. There is no issue as to priority between the DIESEL® Marks and Applicant's use of the "Sour Diesel" name.

32. Diesel's actual, continuous, and continuing use of the DIESEL® Marks began long before any use by Applicant of the "Sour Diesel" name.

33. Applicant's mark so resembles Diesel's previously used DIESEL® Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

34. Applicant's use and registration of the "Sour Diesel" name is likely to cause confusion, mistake, and/or deception as to the origin of Applicant's goods in violation of Sections 32 and 43(a) of the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a).

35. The likelihood of confusion is especially apparent in this instance because the "Sour Diesel" name is visually similar to Diesel's DIESEL® Marks.

36. As well, the proposed goods and target consumers for the goods to be sold under the mark of the '731 Application overlap with Diesel's goods and target consumers to a significant degree.

37. Applicant's registration and future use of the "Sour Diesel" name will inevitably result in confusion and substantial damage and injury to Diesel.

38. The public and, in particular, those purchasing clothing, are likely to believe that there is an affiliation between Applicant's goods and Diesel's goods or that Diesel has endorsed Applicant or its goods.

39. Any such confusion would inevitably damage the goodwill and reputation that Diesel has established in the DIESEL® Marks.

40. Applicant's use and registration of the "Sour Diesel" name is likely to dilute and weaken the unique and distinctive significance of the DIESEL® Marks and cause dilution of the distinctive quality of Opposer's DIESEL® Marks.

41. Applicant's use and registration of the "Sour Diesel" name is also likely to cause consumers to equate the DIESEL® Marks with substandard goods, thereby impairing the value of the DIESEL® Marks.

42. Applicant's use and registration of the "Sour Diesel" name is likely to cause dilution by tarnishment of the goodwill and reputation of the DIESEL® Marks.

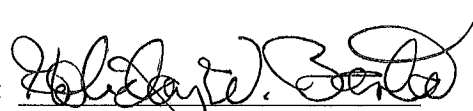
43. Applicant's use and registration of the "Sour Diesel" name is also likely to cause tarnishment of the goodwill and reputation of the DIESEL® Marks due to the disparaging nature of the term "Sour Diesel," which is slang for cannabis.

WHEREFORE, Diesel believes that it will be damaged by the registration of the mark shown in the '731 Application and requests that the opposition be sustained and that registration to Applicant be refused.

Dated this 28th day of August 2013.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Holiday Banta", written over a horizontal line.

Holiday Banta

h.banta@icemiller.com

ICE MILLER LLP

One American Square

Suite 2900

Indianapolis, IN 46282-0200

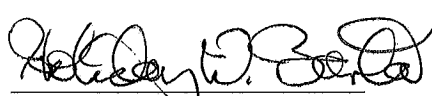
317.236.5882

Attorney for Diesel S.p.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Notice of Opposition was served upon the following by first-class United States mail, postage prepaid, on August 28, 2013:

Ivan Vargas
9560 Queens Blvd. #105
Rego Park, New York 11374

By: 
Holiday Banta

I/3347621.1

EXHIBIT A



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Typed Drawing

Word Mark	DIESEL
Goods and Services	IC 025. US 039. G & S: TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WINDRESISTANT JACKETS, CABANS, BLAZERS, SWEATERS, JERSEYS, VESTS, CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULLOVER, OVERALLS. FIRST USE: 19781024. FIRST USE IN COMMERCE: 19790405
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73788660
Filing Date	March 23, 1989
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 15, 1989
Registration Number	1564710
Registration Date	November 7, 1989
Owner	(REGISTRANT) DIESEL S.P.A. CORPORATION ITALY 7 Via Dell' Industria Molvena (Vicenza) ITALY 36060
Attorney of Record	John Clarke Holman
Prior Registrations	1498698
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20091013.
Renewal	1ST RENEWAL 20091013
Live/Dead Indicator	LIVE

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Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,564,710

Registered Nov. 7, 1989

**TRADEMARK
PRINCIPAL REGISTER**

DIESEL

DIESEL S.P.A. (ITALY CORPORATION)
VIA PONTICELLO 61
MOLVENA VI, ITALY

FOR: TROUSERS, PANTS, JEANS, SHORTS,
SKIRTS, OVERCOATS, RAINCOATS, JACK-
ETS, WINDRESISTANT JACKETS, CABANS,
BLAZERS, SWEATERS, JERSEYS, VESTS,
CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES,
DRESSES, SUITS, TRACKSUITS, SWEAT-

SHIRTS, PULLOVER, OVERALLS, IN CLASS 25
(U.S. CL. 39).

FIRST USE 10-24-1978; IN COMMERCE
4-5-1979.

OWNER OF U.S. REG. NO. 1,498,698.

SER. NO. 788,660, FILED 3-23-1989.

CHRIS A. F. PEDERSEN, EXAMINING ATTOR-
NEY

EXHIBIT B



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Word Mark	DIESEL-ONLY-THE-BRAVE-DIESEL
Goods and Services	IC 025. US 039. G & S: TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WINDRESISTANT JACKETS, CABANS, BLAZERS, SWEATERS, JERSEYS, VESTS, CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULLOVERS, OVERALLS. FIRST USE: 19820227. FIRST USE IN COMMERCE: 19820731
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.01.09 - Indians, American (men); Men, American Indians; Native Americans (men) 02.01.37 - Busts of men in profile; Heads of men in profile; Men - heads, portraiture, or busts in profile; Portraiture of men in profile 24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
Serial Number	73788661
Filing Date	March 23, 1989
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 17, 1990
Registration Number	1605656
Registration Date	July 10, 1990
Owner	(REGISTRANT) DIESEL S.P.A. CORPORATION ITALY VIA DELL ' INDUSTRIA 7 MOLVENA (VICENZA) ITALY
Attorney of Record	JOHN CLARKE HOLMAN

Prior Registrations 1498698
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100628.
Renewal 2ND RENEWAL 20100628
Live/Dead Indicator LIVE

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Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,605,656

Registered July 10, 1990

**TRADEMARK
PRINCIPAL REGISTER**



DIESEL S.P.A. (ITALY CORPORATION)
VIA PONTICELLO 61
MOLVENA VI, ITALY

FOR: TROUSERS, PANTS, JEANS, SHORTS,
SKIRTS, OVERCOATS, RAINCOATS, JACK-
ETS, WINDRESISTANT JACKETS, CABANS,
BLAZERS, SWEATERS, JERSEYS, VESTS,
CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES,
DRESSES, SUITS, TRACKSUITS, SWEAT-

SHIRTS, PULLOVERS, OVERALLS, IN CLASS
25 (U.S. CL. 39).

FIRST USE 2-27-1982; IN COMMERCE
7-31-1982.

OWNER OF U.S. REG. NO. 1,498,698.

SER. NO. 73-788,661, FILED 3-23-1989.

CHRIS A. F. PEDERSEN, EXAMINING ATTOR-
NEY

EXHIBIT C



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Word Mark Goods and Services

DIESEL-ONLY-THE-BRAVE-DIESEL

IC 003. US 051 052. G & S: perfumes, toilet soaps; cosmetics; namely, deodorants for personal use; creams, lotions and oils for the face and the body; cleansing milks, creams and oils; make-up creams; beauty masks; make-up removers; eye shadows; lipsticks; mascara; rouge; crayons for the eyes and the lips; powders, creams, oils and lotions for suntanning and after sun exposure; pre- and after shave creams and lotions; talcum powders, salts, foam and oil bath; creams and lotions after-bath; shampoos; depilatory preparations; nail polishes; hair lotions, and dentifrices

IC 009. US 002 026. G & S: spectacles, spectacle frames, spectacle cases, lenses

IC 014. US 021 027. G & S: clocks and parts therefor, clocks incorporating radio, watches and parts therefor, watch chains, watches containing a gaming function, chronographs, chronometers; rings, bracelets, necklaces, hair-clips of precious metal, tie-clips, scarf rings of precious metal, pendants, ear clips, precious metal money clips, cufflinks, earrings, key-holders of precious metal, brooches, ornamental jewelry pins; all in metal precious or not ornamental jewelry pins

IC 016. US 037 038. G & S: stationery items; namely, calendars and almanacs, diaries, address books, personal organizers, note pad holders, paper holders, paper weights, paper stands, pencil holders, pencil stands, pencil cases, paper clip boxes, and adhesive tape dispensers; paper patterns for fabrics; newspapers, magazines, books and catalogues for fashion, furnishing and arts; photographs, pens, pencils

IC 018. US 002 003 041. G & S: handbags, suitcases, trunks for travel, knapsacks, travelling bags, vanity cases sold empty; purses, billfolds, attache cases, wallets, briefcases, key-cases, passport cases, business and credit card cases; umbrellas

IC 024. US 042. G & S: textile fabrics for use in the manufacture of clothing and furnishings; curtains, pillow cases, bedsheets, bedspreads, blankets, comforters for beds, table clothes, textile napkins,

towels, placemats of fabric, oven gloves

IC 025. US 039. G & S: footwear; namely, shoes, boots and slippers, belts

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.09 - Indians, American (men); Men, American Indians; Native Americans (men)
02.01.37 - Busts of men in profile; Heads of men in profile; Men - heads, portraiture, or busts in profile; Portraiture of men in profile
26.01.02 - Circles, plain single line; Plain single line circles
26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Serial Number 74433291

Filing Date September 7, 1993

Current Basis 44E

Original Filing Basis 1B;44D

Published for Opposition December 13, 1994

Registration Number 1939141

Registration Date December 5, 1995

Owner (REGISTRANT) DIESEL S.p.A. CORPORATION ITALY 7 Via dell'Industria 36060 MOLVENA, province of Vicenza ITALY

Attorney of Record John Clarke Holman

Priority Date June 11, 1993

Prior Registrations 1498698;1564710;1605656

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060313.

Renewal 1ST RENEWAL 20060313

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Int. Cls.: 3, 9, 14, 16, 18, 24 and 25

Prior U.S. Cls.: 2, 3, 21, 26, 27, 37, 38, 39, 41, 42,
51 and 52

United States Patent and Trademark Office

Reg. No. 1,939,141

Registered Dec. 5, 1995

TRADEMARK
PRINCIPAL REGISTER



DIESEL S.P.A. (ITALY CORPORATION)
7 VIA DELL'INDUSTRIA
36060 MOLVENA, PROVINCE OF VICENZA,
ITALY

FOR: PERFUMES, TOILET SOAPS; COSMETICS; NAMELY, DEODORANTS FOR PERSONAL USE; CREAMS, LOTIONS AND OILS FOR THE FACE AND THE BODY; CLEANSING MILKS, CREAMS AND OILS; MAKE-UP CREAMS; BEAUTY MASKS; MAKE-UP REMOVERS; EYE SHADOWS; LIPSTICKS; MASCARA; ROUGE; CRAYONS FOR THE EYES AND THE LIPS; POWDERS, CREAMS, OILS AND LOTIONS FOR SUNTANNING AND AFTER SUN EXPOSURE; PRE- AND AFTER SHAVE CREAMS AND LOTIONS; TALCUM

POWDERS, SALTS, FOAM AND OIL BATH; CREAMS AND LOTIONS AFTER-BATH; SHAMPOOS; DEPILATORY PREPARATIONS; NAIL POLISHES; HAIR LOTIONS, AND DENTIFRICES, IN CLASS 3 (U.S. CLS. 51 AND 52).

FOR: SPECTACLES, SPECTACLE FRAMES, SPECTACLE CASES, LENSES, IN CLASS 9 (U.S. CLS. 2 AND 26).

FOR: CLOCKS AND PARTS THEREFOR, CLOCKS INCORPORATING RADIO, WATCHES AND PARTS THEREFOR, WATCH CHAINS, WATCHES CONTAINING A GAMING FUNCTION, CHRONOGRAPHS, CHRONOMETERS; RINGS, BRACELETS, NECKLACES, HAIR-CLIPS OF PRECIOUS METAL, TIE-CLIPS, SCARF RINGS OF PRECIOUS METAL, PENDANTS, EAR CLIPS, PRECIOUS METAL MONEY

CLIPS, CUFFLINKS, EARRINGS, KEY-HOLDERS OF PRECIOUS METAL, BROOCHES, ORNAMENTAL JEWELRY PINS; ALL IN METAL PRECIOUS OR NOT ORNAMENTAL JEWELRY PINS, IN CLASS 14 (U.S. CLS. 21 AND 27).

FOR: STATIONERY ITEMS; NAMELY, CALENDARS AND ALMANACS, DIARIES, ADDRESS BOOKS, PERSONAL ORGANIZERS, NOTE PAD HOLDERS, PAPER HOLDERS, PAPER WEIGHTS, PAPER STANDS, PENCIL HOLDERS, PENCIL STANDS, PENCIL CASES, PAPER CLIP BOXES, AND ADHESIVE TAPE DISPENSERS; PAPER PATTERNS FOR FABRICS; NEWSPAPERS, MAGAZINES, BOOKS AND CATALOGUES FOR FASHION, FURNISHING AND ARTS; PHOTOGRAPHS, PENS, PENCILS, IN CLASS 16 (U.S. CLS. 37 AND 38).

FOR: HANDBAGS, SUITCASES, TRUNKS FOR TRAVEL, KNAPSACKS, TRAVELLING BAGS, VANITY CASES SOLD EMPTY; PURSES, BILLFOLDS, ATTACHE CASES, WALLETS, BRIEFCASES, KEY-CASES, PASSPORT CASES, BUSINESS AND CREDIT CARD

CASES; UMBRELLAS, IN CLASS 18 (U.S. CLS. 2, 3 AND 41).

FOR: TEXTILE FABRICS FOR USE IN THE MANUFACTURE OF CLOTHING AND FURNISHINGS; CURTAINS, PILLOW CASES, BEDSHEETS, BEDSPREADS, BLANKETS, COMFORTERS FOR BEDS, TABLE CLOTHES, TEXTILE NAPKINS, TOWELS, PLACEMATS OF FABRIC, OVEN GLOVES, IN CLASS 24 (U.S. CL. 42).

FOR: FOOTWEAR; NAMELY, SHOES, BOOTS AND SLIPPERS, BELTS, IN CLASS 25 (U.S. CL. 39).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ITALY APPLICATION NO. MI-93C004355, FILED 6-11-1993, REG. NO. 604193, DATED 10-4-1993, EXPIRES 6-11-2013.

OWNER OF U.S. REG. NOS. 1,498,698, 1,564,710, AND 1,605,656.

SER. NO. 74-433,291, FILED 9-7-1993.

PAUL F. GAST, EXAMINING ATTORNEY

EXHIBIT D



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Typed Drawing

Word Mark DIESEL

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: perfumes, toilet soaps; cosmetics, namely, deodorants for personal use; creams, lotions and oils for the face and the body; cleansing milks, creams and oils; make-up creams; beauty masks; make-up removers; eye shadows; lipsticks; mascara; rouge; crayons for the eyes and the lips; powders, creams, oils and lotions for suntanning and after sun exposure; pre- and after shave creams and lotions; talcum powders, salts, foam and oil bath; creams and lotions after-bath; shampoos; depilatory preparations; nail polishes; hair lotions, and dentifrices

IC 009. US 002 026. G & S: spectacles, spectacle frames, spectacle cases, lenses

IC 014. US 021 027. G & S: clocks and parts therefor, clocks incorporating radio, watches and parts therefor, watch chains, watches containing a gaming function, chronographs, chronometers; rings, bracelets, necklaces, hair-clips of precious metal, tie-clips, scarf rings of precious metal, pendants, ear clips, precious metal money clips, cufflinks, earrings, key-holders of precious metal, brooches, ornamental jewelry pins; all in metal precious or not

IC 016. US 002 005 022 023 029 037 038 050. G & S: stationery items, namely calendars and almanacs, diaries, address books, personal organizers, note pad holders, paper holders, paper weights, paper stands, pencil holders, pencil stands, pencil cases, paper clip boxes, and adhesive tape dispensers; paper patterns for fabrics; newspapers, magazines, books and catalogues for fashion, furnishing and arts; photographs, pens, pencils

IC 018. US 002 003 041. G & S: handbags, suitcases, trunks for travel, knapsacks, travelling bags, vanity cases sold empty; purses, billfolds, attache cases, wallets, briefcases, key-cases, passport cases, business and credit card cases; umbrellas

IC 024. US 042. G & S: textile fabrics for use in the manufacture of clothing and furnishings; curtains, pillow cases, bedsheets, bedspreads, blankets, comforters for beds, table clothes, textile napkins, towels, placemats of fabric, oven gloves

IC 025. US 022 039. G & S: footwear, namely, shoes, boots, slippers and belts

Mark Drawing Code

(1) TYPED DRAWING

Serial Number 74433289

Filing Date September 7, 1993
Current Basis 44E
Original Filing Basis 1B;44D
Published for Opposition December 6, 1994
Registration Number **1989390**
Registration Date July 30, 1996
Owner (REGISTRANT) DIESEL S.p.A. CORPORATION ITALY 7 Via dell'Industria 36060 MOLVENA, province of Vicenza ITALY
Attorney of Record John Clarke Holman
Priority Date June 11, 1993
Prior Registrations 1498698;1564710;1605656
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061012.
Renewal 1ST RENEWAL 20061012
Live/Dead Indicator LIVE

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Int. Cls.: 3, 9, 14, 16, 18, 24 and 25

Prior U.S. Cls.: 1, 2, 3, 4, 5, 6, 21, 22, 23, 26, 27,
29, 37, 38, 39, 41, 42, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 1,989,390

Registered July 30, 1996

**TRADEMARK
PRINCIPAL REGISTER**

DIESEL

DIESEL S.P.A. (ITALY CORPORATION)
7 VIA DELL'INDUSTRIA
36060 MOLVENA, PROVINCE OF VICENZA,
ITALY

FOR: PERFUMES, TOILET SOAPS; COSMETICS, NAMELY, DEODORANTS FOR PERSONAL USE; CREAMS, LOTIONS AND OILS FOR THE FACE AND THE BODY; CLEANSING MILKS, CREAMS AND OILS; MAKE-UP CREAMS; BEAUTY MASKS; MAKE-UP REMOVERS; EYE SHADOWS; LIPSTICKS; MAS-CARA; ROUGE; CRAYONS FOR THE EYES AND THE LIPS; POWDERS, CREAMS, OILS AND LOTIONS FOR SUNTANNING AND AFTER SUN EXPOSURE; PRE- AND AFTER SHAVE CREAMS AND LOTIONS; TALCUM POWDERS, SALTS, FOAM AND OIL BATH; CREAMS AND LOTIONS AFTER-BATH; SHAMPOOS; DEPILATORY PREPARATIONS; NAIL POLISHES; HAIR LOTIONS, AND DENTIFRICES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: SPECTACLES, SPECTACLE FRAMES, SPECTACLE CASES, LENSES, IN CLASS 9 (U.S. CLS. 2 AND 26).

FOR: CLOCKS AND PARTS THEREFOR, CLOCKS INCORPORATING RADIO, WATCHES AND PARTS THEREFOR, WATCH CHAINS, WATCHES CONTAINING A GAMING FUNCTION, CHRONOGRAPHS, CHRONOMETERS; RINGS, BRACELETS, NECKLACES, HAIR-CLIPS OF PRECIOUS METAL, TIE-CLIPS, SCARF RINGS OF PRECIOUS METAL, PENDANTS, EAR CLIPS, PRECIOUS METAL MONEY CLIPS, CUFFLINKS, EARRINGS, KEY-HOLD-

ERS OF PRECIOUS METAL, BROOCHES, ORNAMENTAL JEWELRY PINS; ALL IN METAL PRECIOUS OR NOT, IN CLASS 14 (U.S. CLS. 21 AND 27).

FOR: STATIONERY ITEMS, NAMELY CAL-ENDARS AND ALMANACS, DIARIES, AD-RESS BOOKS, PERSONAL ORGANIZERS, NOTE PAD HOLDERS, PAPER HOLDERS, PAPER WEIGHTS, PAPER STANDS, PENCIL HOLDERS, PENCIL STANDS, PENCIL CASES, PAPER CLIP BOXES, AND ADHESIVE TAPE DISPENSERS; PAPER PATTERNS FOR FAB-RICS; NEWSPAPERS, MAGAZINES, BOOKS AND CATALOGUES FOR FASHION, FURNISH-ING AND ARTS; PHOTOGRAPHS, PENS, PEN-CILS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: HANDBAGS, SUITCASES, TRUNKS FOR TRAVEL, KNAPSACKS, TRAVELLING BAGS, VANITY CASES SOLD EMPTY; PURSES, BILLFOLDS, ATTACHE CASES, WALLETTS, BRIEFCASES, KEY-CASES, PASS-PORT CASES, BUSINESS AND CREDIT CARD CASES; UMBRELLAS, IN CLASS 18 (U.S. CLS. 2, 3 AND 41).

FOR: TEXTILE FABRICS FOR USE IN THE MANUFACTURE OF CLOTHING AND FUR-NISHINGS; CURTAINS, PILLOW CASES, BED-SHEETS, BEDSPREADS, BLANKETS, COM-FORTERS FOR BEDS, TABLE CLOTHES, TEX-TILE NAPKINS, TOWELS, PLACEMATS OF FABRIC, OVEN GLOVES, IN CLASS 24 (U.S. CL. 42).

FOR: FOOTWEAR, NAMELY, SHOES, BOOTS, SLIPPERS AND BELTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRIORITY CLAIMED UNDER SEC. 44(D) ON
ITALY APPLICATION NO. MI-93C004354,
FILED 6-11-1993, REG. NO. 604192, DATED
10-4-1993, EXPIRES 6-11-2003.

OWNER OF U.S. REG. NOS. 1,498,698,
1,564,710, AND 1,605,656.

SER. NO. 74-433,289, FILED 9-7-1993.

PAUL F. GAST, EXAMINING ATTORNEY

EXHIBIT E

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Typed Drawing

Word Mark	DIESEL
Goods and Services	IC 025. US 039. G & S: MEN'S, & WOMEN'S APPAREL NAMELY JEANS, SHIRTS, JACKETS AND SWEATSHIRTS. FIRST USE: 19840229. FIRST USE IN COMMERCE: 19840229
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73468213
Filing Date	March 2, 1984
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 7, 1985
Registration Number	1498698
Registration Date	August 2, 1988
Owner	(REGISTRANT) DIESEL S.P.A. CORPORATION ITALY 7 VIA DELL'INDUSTRIA 36060 MOLVENA PROVINCE OF VICENZA ITALY
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	JOHN CLARKE HOLMAN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080731.
Renewal	1ST RENEWAL 20080731
Live/Dead Indicator	LIVE

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Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,498,698**
Registered Aug. 2, 1988

TRADEMARK
PRINCIPAL REGISTER

DIESEL

DIESEL S.P.A. (ITALY CORPORATION)
61 VIA PONTICELLI, MOLVENA
PROVINCE OF VICENZA, ITALY, ASSIGNEE
OF ALESSIO JEANS, LTD. (NEW YORK
CORPORATION) NEW YORK, NY 10018

FIRST USE 2-29-1984; IN COMMERCE
2-29-1984.

SER. NO. 468,213, FILED 3-2-1984.

FOR: MEN'S, & WOMEN'S APPAREL
NAMELY JEANS, SHIRTS, JACKETS AND
SWEATSHIRTS, IN CLASS 25 (U.S. CL. 39).

ROBERT C. CLARK JR., EXAMINING ATTOR-
NEY

EXHIBIT F

Sour Diesel (cannabis)

From Wikipedia, the free encyclopedia

Sour Diesel, also known as Sour D, is a hybrid strain of cannabis. It is a cross between 91 Chemdawg and a super skunk/northern lights. NYC Diesel is a Mexican Sativa crossed to an Afghani indica.^[1] The strain produces a fast acting, dreamy high that, due to a 90% concentration of sativa, yields excellent cerebral effects. It is best known for its extremely pungent sour scent as well as its uplifting, mood enhancing effects.



Sour Diesel

Contents

- 1 Medical uses
- 2 Characteristics
- 3 Growing environment
- 4 Notes
- 5 Sources

Medical uses

Sour Diesel is highly effective in relieving stress, anxiety and pain, and there is some suggestion that it may be helpful in alleviating the symptoms associated with chronic depression.^[2]

Characteristics

This strain is known to contain upwards of 20% of the active ingredient, THC,^[1] and as of late 2011 it sells for between 8 and 12 dollars a gram at dispensaries near Seattle, WA.

Growing environment

Sour Diesel is a tall, thin green plant. It stretches in the first 3 weeks of flowering. By maturity Sour Diesel could reach 6 feet indoors. Flowering time is approximately ten weeks indoors, while outdoor plants will finish in early October, although grown indoors using a hydroponic growing system is highly recommended. Sour Diesel commonly displays orange hairs, and a strong diesel fuel scent and flavor. It can be grown indoors and outdoors. Sour Diesel was awarded the High Times Cannabis Cup in 2006.

Notes

- [^] ^a ^b Sour Diesel. Medical Marijuana Strains. Retrieved on 2012-12-16.
- [^] "Sour Diesel Strain Effects". Leafly.

Sources

- Marijuana Strain Library: Sour Diesel Marijuana Strain
- Cannabis Culture Magazine: Sour Diesel
- Sour Diesel Seeds
- Sour Diesel – Medical Marijuana Strain
- HighTimes.com – Top 10 Strains of the Year 2005
- Colorado Medical Marijuana
- The Medicinal Uses of Cannabis and Cannabinoids

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Categories: Cannabis strains

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